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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/084,787 | 05/21/1998 | SHINICHIROU HARASAWA | FUJH13.010A | 5949 |

7590 10/20/2004

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EXAMINER

HUGHES, DEANDRA M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/084,787

Applicant(s)

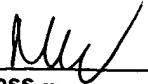
HARASAWA ET AL.

Examiner

Deandra M Hughes

Art Unit

3663



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 15-21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



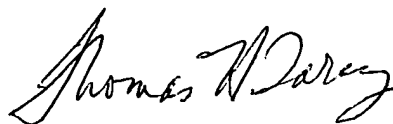
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Continuation of 2. NOTE: The following new phrases require further consideration and/or search: CLM 15: 'which is supplied from'; CLM 16: 'which is supplied from'; CLM 18: 'which is supplied from'; CLM 20: 'supplied from'; CLM 21: 'supplied from'..

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant argues the following: (A) Independent claims 15, 16, 18 require an optical filter for ascertaining a level of an optical input signal through a detector (pg. 6, last line of 3rd paragraph); (B) Heidemann fails to teach an input monitor, which detects the input of the optical amplifier (pg. 6, 5th paragraph); (C) Aida does not disclose a filter that filters divided light by a coupler (pg. 7; 2nd paragraph); (D) Heidemann and Aida cannot be combined because Heidemann teaches backward excitation while Aida teaches forward excitation (pg. 7 last paragraph).

These arguments are found not convincing for the following reasons. With regard to argument (A), filters cannot ascertain a level of the optical input signal. This must be done via an optical intensity measurement. Filters, in themselves, cannot measure light intensity. With regard to argument (B), the Examiner did not assert that Heidemann teaches an input monitor. The prior art teaches an input monitor, as is clearly discussed in the previous office action (6/21/04; pg. 3, section a). As was previously stated, Heidemann is cited to show the use of filters to remove noise and pass only signals in an optical amplifier system. With regard to argument (C), the Examiner does not assert that Aida discloses a filter that filters light divided by a coupler. Again, Heidemann is cited to show the use of these filters. Finally, with regard to argument (D), the Examiner rejected the claim over admitted prior art OR Aida et al, taken in combination with Heidemann. For the reasons stated previously, the admitted prior art taken in combination with Heidemann meets the claim limitations. As a result, the arguments are found not convincing and the request for reconsideration does not place the application in condition for allowance.



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